

# Banning Hair Discrimination Emerges as Racial Justice Issue

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A sales associate helps a customer to select a wig at a beauty shop in Portland, Ore. Hair straightening often involves toxic chemicals, extreme heat styling or wigs and weaves, which are expensive and time-consuming to maintain. Gillian Flaccus The Associated Press

When Dina Neal, the first African American woman elected to the Nevada Assembly, came to the state Capitol in 2011, she wore her hair in braids. Her hairstyle was a practical choice.

Carson City was snowy and cold, “and I did not want to wear my wet hair out every day in 25-degree weather,” she said.

In 2013, a White staffer told Neal her hairstyle was “unprofessional” and “inappropriate.” The comment stung, but Neal kept her braids.

“I just dealt with it. I did not take the four hours to take out my braids,” Neal, a Democrat, said in an interview.

Many Black women endure uninformed comments about their hair and feel pressure to conform to workplace standards set by White people. Eight years after that incident, Neal, now a state senator, saw an opportunity to change the status quo.

Neal introduced a bill in March to prohibit racial hair discrimination. Nevada's measure passed both legislative houses with bipartisan support, and Democratic Gov. Steve Sisolak signed it into law in June.

Neal's bill was a version of legislation that California was the first state to pass in 2019: the CROWN Act, or Creating a Respectful and Open World for Natural Hair.

The California measure changed the state's definition of race in its anti-discrimination laws to include "traits historically associated with race, including but not limited to, hair texture and protective hairstyles." Protective hairstyles, the law says, include "such hairstyles as braids, locks and twists."

How Black Americans wear their hair has become a new front in the fight against racial discrimination. Nevada is one of 13 states that have passed versions of the CROWN Act since California enacted its law. The others are Colorado, Connecticut, Delaware, Maryland, Nebraska, New Jersey, New Mexico, New York, Illinois, Oregon, Virginia and Washington. About three dozen cities and counties have passed similar laws.

More places may follow suit. Legislators in 19 states introduced versions of the CROWN Act this year: Measures passed in five states, failed in five others and are pending in the rest, according to the National Conference of State Legislatures.

State laws vary but tend to protect individuals from workplace, school and housing discrimination based on their hair texture and hairstyles. The laws allow employers to enforce federal health and safety regulations.

The campaign to pass the CROWN Act in every state and Congress began in 2019, when Dove, which makes shampoo and other personal care products, and advocacy groups the National Urban League, Color of Change and the Western Center on Law and Poverty co-founded a coalition to press for the hair anti-discrimination law. The law clarifies that Black people should be allowed to wear their hair as it grows naturally and not be forced to use chemicals to relax or straighten it.

Title VII of the Civil Rights Act of 1964 prohibits racial discrimination, but federal courts have said that only Afros, not other natural hairstyles, are protected under the law. The 7<sup>th</sup> U.S. Circuit Court of Appeals ruled in 1976 an employer had violated an employee's civil rights by denying a promotion to a worker who had grown an Afro, a hairstyle that gained prominence in the 1960s as a political statement of Black Power when activists Angela Davis and the Rev. Jesse Jackson, among others, chose to wear their hair as it grew naturally in a rounded shape.

Until recently, there were no protections for other natural Black hairstyles such as locks, knots, braids and twists. Protections that cover those styles exist only in places with state laws or local ordinances.

Advocates say a federal law is needed. The U.S. House passed the CROWN Act in September 2020, but the Senate has not acted.

In Nebraska, it took two tries. Gov. Pete Ricketts, a Republican, signed a race-based hair discrimination bill in May, after vetoing one in August 2020. He said in his veto message he supported the intent of the bill but objected to the expanded definition of race as too broad. He said it could apply to persons of any race who wore locks, braids or twists, and that the law should protect only “employees based upon their immutable hair texture.” He also wanted employers to be able to impose hair health and safety standards.

The second bill included exceptions to permit nondiscriminatory health and safety standards by employers and to allow the Nebraska National Guard, Nebraska State Patrol, county sheriffs and police departments, and other law enforcement agencies to impose dress and grooming standards. The measure passed the unicameral legislature 40 to 4 in April.

Black women have long suffered expectations to conform to Eurocentric standards of beauty by relaxing and straightening their hair to compete for jobs or to get an education.

“African descendant women and girls [are] in a precarious Catch-22: Either don your natural hair at the risk of lawfully being deprived of employment or an educational opportunity, or don straight hair at the risk of enduring consequential harm to your physical, psychological, economic and physical well-being,” said D. Wendy Greene, a professor at Drexel Kline School of Law and a leading authority on legal issues involving race and appearance, during testimony at a Nevada legislative hearing.

Hair straightening often involves toxic chemicals, extreme heat styling or wigs and weaves, which are expensive and time-consuming to maintain, Greene said in an interview. Black women can suffer painful chemical scalp burns from hair relaxants, and straightening products can cause other health issues.

The movement to embrace hair freedom has inspired popular culture. “Hair Love,” an animated short film about a young Black girl and her dad learning to style her natural hair, won an Academy Award this year, and a tie-in book was a *New York Times* bestseller.

Country music singer Mickey Guyton sang “Love my Hair,” at the Country Music Awards program Nov. 10. The song was inspired by a Black Louisiana girl who was sent home from school because her hair was in braids.

Some state laws sprang from personal stories.

In Chicago, Ida Nelson’s 4-year-old son, Gus “Jett” Hawkins, asked her to braid his hair before preschool last March. His school called at midday saying braids were a violation of the dress code. He attended Providence St. Mel School, a highly respected, predominately Black college preparatory school.

“I was surprised. I knew about the CROWN Act but did not know it wasn’t nationwide,” Nelson said in an interview. She and her son both cried that night when she took out his braids. She put her son’s hair in an Afro puff, which brought a second call from school the next day. Jett would wear a standard Afro, or not attend preschool.

The dress code had been in place for decades to help Black students assimilate into the White world, Nelson said. Providence St. Mel prides itself on sending its graduates to colleges on scholarships.

Nelson went on Facebook to complain about the policy she found discriminatory. Soon her story was in the news. School officials told her the hair rules were not intended to be discriminatory, and the dress code was later changed.

Illinois state Sen. Mike Simmons, a Democrat who was appointed to the Senate in February, was so incensed when he read about the child's plight, he immediately began drafting a bill to prohibit hair discrimination in all schools in Illinois—public, parochial, private and charter.

“What angered me was a 4-year-old child was made to feel something was wrong with his body. There was no excuse for that,” Simmons, who wears his hair in long locks, said in an interview. “I’ve experienced all sorts of profiling comments. Grown adults reach out and touch my hair. I have no trouble telling them ‘no,’ but not everyone can do that.”

The Jett Hawkins Law, which will take effect Jan. 1, bans elementary and secondary schools in Illinois from prohibiting hairstyles historically associated with race, ethnicity or hair texture.

The Nevada CROWN Act clarifies the state's existing laws to define race discrimination to include hair texture and protective hairstyles. A protective hairstyle is one that is heat free and conceals the ends of the hair. The Nevada law covers natural hairstyles, Afros, bantu knots, curls, braids, locks and twists.

Naika Belizaire, now 18 and a high school senior in Las Vegas, was among those who testified in March about the need for a hair discrimination law.

The summer before eighth grade, Naika stopped relaxing and straightening her hair and let it grow. She happily wore her Afro the first day of school at age 13. Her White teacher told Naika her Afro was a “distraction” and sent her to the principal's office.

She was told never to wear her Afro to school again. It was “unprofessional.”

“Something as natural as my hair should not be seen as a distraction or unprofessional,” she told the Senate panel. “I do not want any other young Black child or Black person to feel the way I did—to have their pride stripped from them and be forced to feel insignificant just because their hair is different or have to choose between expressing themselves and having a clean record for school.”

Since enactment, the Nevada Equal Rights Commission held a training forum about the CROWN Act and has received one hair discrimination complaint, according to Kara Jenkins, commission administrator.

The complaint alleges that an employer's dress code policy indicated that blond hair is considered a natural hair color, but when a Black employee dyed her hair blond, it was not

considered natural. A supervisor also told her, “I don’t like your hair that way, you should style it differently.”

The complaint is under investigation.

Dress codes also have spawned lawsuits, including some focused on gender hair discrimination. The ACLU of Texas and ACLU Women’s Rights Project, for example, sued the Magnolia Independent School District northwest of Houston in federal court in October on behalf of seven students ages 7 to 17, alleging rules that require boys to wear short hair while girls may wear their hair long discriminate based on gender.

The school district agreed to suspend enforcement while the case continues in the courts.

Gender-neutral policies may remove barriers to students’ coming to school, said Joy Baskin, chair of the National School Boards Association Council of School Attorneys and director of legal services for the Texas Association of School Boards.

But attitudes around the state vary, she noted. In more isolated rural areas, many believe “more traditional dress and grooming codes maintain order and smooth operations. They feel very strongly about that, and I don’t know that we should discount the idea that stricter standards help school operations,” Baskin said.

In Maryland, Baltimore passed a CROWN Act ordinance last December.

“For me, the CROWN Act is about being yourself,” Baltimore Mayor Brandon M. Scott, whose natural hair made national news earlier this year, said in an interview. Critics said his Afro was “disrespectful” of the office of mayor and should be cut.

Scott let his hair grow during the COVID-19 shutdown and kept the round and combed hairstyle when he became mayor last December, because his grandmother liked it. She died this year, and he keeps his hairstyle in her memory.

Black people are taught from an early age they must conform, he said, and he cut off his braids when he finished college in 2006. It was “one of the biggest mistakes I ever made,” he said, even though doing so put him on the career path that led to where he is today.

“You shouldn’t let anyone else tell you how you should look,” he said. “You should be your own authentic self.”

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